

Sponsor: Councilman Brown
First Reading: 03/01/21
Second Reading: 03/15/21
Third Reading: 04/05/21
Ord. No.: 002-21

AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF SMYRNA TO CLARIFY REGULATIONS PERTAINING TO THE INSTALLATION OF ELECTRIC METERS AND TO UPDATE THE BILLING, COLLECTION, AND DISCONNECTION PROCEDURES FOR UTILITIES

WHEREAS, the Town Council of the Town of Smyrna is authorized pursuant to section 23 of the Town Charter “to erect, construct, equip, maintain, repair, replace, lease, and operate plants, facilities, and systems for the generation and distribution of electric power and energy;”

WHEREAS, as part of the operation of an electric generation and distribution system, “[t]he Town Council shall have power to enact ordinances, rules, regulations and tariffs regarding the connections and use of electric capacity and energy furnished by the Town;” and

WHEREAS, the Town has previously adopted such regulations pertaining to the electric generation and distribution system, and in the opinion of the Town Council, in order to further the public health, safety, and welfare, it is necessary to update the regulations to clarify the requirements surrounding the installation of electric meters.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that Chapter 70 (Utilities) of the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Article I (In General), Section 70-2 (Billing; due date) by making insertions as shown by underline and deletions and shown by strikethrough as follows:

Utility bills are due upon receipt. Late charges will be applied beginning with the next business day immediately following the due date identified in the utility bill. The due date shall provide customers a minimum of 30 calendar days to pay a utility bill. ~~after 4:30 p.m. on the 20th of each month. If the 20th of any month falls on a Saturday, Sunday or holiday, late charges will be applied after 4:30 p.m. on the next regularly scheduled business day.~~

Section 2. Amend Article I (In General), Section 70-3 (General termination and reconnection of utility services) by making insertions as shown by underline and deletions and shown by strikethrough as follows:

(c) *Disconnection procedures.*

(1) ~~Unless utility bill is paid in full, utility services will be disconnected five days after late charges are applied.~~ Utility services may be disconnected if a utility bill is not paid in full by the due date. Prior to disconnecting utility services, written notice shall be given to the occupant and the owner of the property. The written notice shall state that utility services will be disconnected

if payment in full of all outstanding amounts is not made within 30 days, and the notice shall state how the property owner or occupant may appeal to the Town the accuracy of the bill or the determination that the utility services are to be disconnected.

Section 3. Amend Article I (In General), Section 70-3 (General termination and reconnection of utility services) by making insertions as shown by underline and deletions and shown by strikethrough as follows:

(d) *Reconnection charge/deposit.*

(1) Service disconnected by the town, for any reason other than as noted in ~~section 70-2(a)(1)~~ section 70-3(a)(1), shall be restored only on payment (in cash, or by certified check or money order) of the previous balance due, ~~the reconnection fee (see fee schedule).~~ and payment of the reconnection fee outlined in the fee schedule.

(2) Any customer whose services have been disconnected may be required to post a deposit or increase an existing deposit in order to have service restored.

~~(3) Once the town employee has been dispatched for disconnection, the reconnection fee is applicable regardless of whether the disconnection actually occurs.~~

Section 4. Amend Article III (Electric Department Rules and Regulations), Division 1 (Generally), Section 70-160 (Meter installation, power factor and demand determination) by making insertions as shown by underline and deletions and shown by strikethrough as follows:

(a) *Meters.* The town shall normally furnish, install, maintain, and own one set of metering equipment for measurement of the amount of energy (kwh) and demand (kw) supplied under each contract. The metering equipment installed will be adequate to properly measure the electricity supplied for billing and load research as judged by the town. All bills will be calculated from the reading of these meters, including readings done remotely. The cost of the electric metering equipment shall be paid for by the property owner prior to the installation of the electric metering equipment. Property owners shall not be responsible to pay for the cost to replace existing electric metering equipment with new equipment unless the equipment is being replaced due to damage caused by the property owner or occupant.

Section 5. Amend Article III (Electric Department Rules and Regulations), Division 1 (Generally), Section 70-160 (Meter installation, power factor and demand determination) by making insertions as shown by underline and deletions and shown by strikethrough as follows:

(g) ~~*Remote reading devices*~~ *Electric meters with remote reading capabilities.*

(1) All electric meters installed in the town shall be equipped with remote reading capabilities. ~~The town, at its discretion or upon request from a customer, may install remote reading devices, subject to available technology. Remote reading devices shall be owned, installed, and maintained by the town. When requested by the customer and approved by the town, such installation shall be made at a cost payable by the customer. The location of the remote reading device shall be subject to town approval.~~

- (2) A periodic verification reading ~~must~~ may be taken on the meter and on the remote reading device to verify consistency and accuracy of electric consumption readings. ~~The town shall notify the customer when the verification is required. Service shall be subject to disconnection if the customer fails to make arrangements with the town for a verification reading within 60 days after such notice is provided by the town.~~
- (3) In cases of dispute, the town's meter reading, not the remote reading ~~of the remote device~~, shall be used as the final determinant in measuring consumption and in all cases shall take precedence over any ~~readings on remote reading devices~~ remote readings.

Section 6. Amend Article III (Electric Department Rules and Regulations), Division 1 (Generally), Section 70-165 (Remote disconnect collar for electric service/remote disconnect collar charge) by making insertions as shown by underline and deletions and shown by strikethrough as follows:

Sec. 70-165. - ~~Remote disconnect collar for electric service/remote disconnect collar charge.~~
Reserved.

- (a) ~~A remote disconnect collar is required for all residential electric meters under the following circumstances:~~
 - (1) ~~If a remote disconnect collar has not been installed at any location, it shall be purchased and installed before an application for service is approved. The remote disconnect collar cannot be transferred from one location to another.~~
 - (2) ~~A remote disconnect collar shall be purchased from the town and installed on all newly constructed units prior to issuance of certificate of occupancy.~~
 - (3) ~~Any new rental unit that does not have a remote disconnect collar shall purchase a collar for installation.~~
 - (4) ~~Upon the renewal of the rental license, a remote disconnect collar shall be purchased for all rental units that do not already have one installed.~~
 - (5) ~~Any customer that has been disconnected twice for non payment in a three year period and whose unit does not have remote disconnect collar attached to the electric meter shall purchase a remote disconnect collar before electric service will be restored.~~
- (b) ~~Remote disconnect collar charge (see fee schedule).~~

Section 7. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the Town Council's intent.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Town Council.

SYNOPSIS

This ordinance eliminates references to outdated technology previously used by the town to make remote electric consumption readings and clarifies that all electric meters are to have remote reading capabilities. This ordinance clarifies that property owner must pay for the initial installation of electric equipment to service a property but the town will pay for replacement equipment as long as the equipment isn't being replaced due to damage caused by the property owner or occupant. This ordinance clarifies the notice requirements to disconnect utility services and the deadline for paying utility bills.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on _____, 2021.

ATTEST:

Council Secretary

Mayor

This shall certify that the title, synopsis, and effective date of this Ordinance was published in the "Smyrna/Clayton Sun Times" on _____, 2021 and posted at the Town Hall on _____, 2021.

So Certifies:

Town Clerk